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6 *Co-Lead Counsel and Attorneys for Plaintiff Arthur Goldstein*

7
8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

10 IN RE NIMBLE STORAGE, INC.
11 DERIVATIVE LITIGATION,

Lead Case No.: 4:16-cv-00892-YGR

(Derivative Action)

12 This Document Relates To:

13 ALL ACTIONS.

**NOTICE OF VOLUNTARY DISMISSAL
WITHOUT PREJUDICE PURSUANT TO
FED. R. CIV. P. 41(a)**

1 Plaintiff Arthur Goldstein (“Plaintiff Goldstein”), by and through his counsel of record,
2 states as follows:

3 WHEREAS, on June 14, 2016, this Court consolidated two shareholder derivative actions
4 that were pending in this District: *Schwartz v. Vasudevan, et al.*, Case No. 5:16-cv-00892-YGR;
5 and *Goldstein v. Vasudevan, et al.*, Case No. 5:16-CV-02238-YGR (together, the “Consolidated
6 Derivative Action”);

7 WHEREAS, Plaintiff Goldstein in the Consolidated Derivative Action has alleged
8 violations of Section 14(a) of the Securities Exchange Act of 1934 and claims for breaches of
9 fiduciary duties, unjust enrichment, corporate waste, and insider selling against certain current
10 and former officers and directors of Nominal Defendant Nimble Storage, Inc.;

11 WHEREAS, on June 14, 2016, this Court stayed the Consolidated Derivative Action
12 pending certain events in the related Securities Class Action;

13 WHEREAS, due to the stay of proceedings, Defendants have not yet answered, moved,
14 or otherwise responded in the Consolidated Derivative Action;

15 WHEREAS, following careful consideration, Plaintiff Goldstein has elected to
16 voluntarily dismiss his action, *Goldstein v. Vasudevan, et al.*, without prejudice. Counsel for
17 Plaintiff Goldstein and Defendants have met and conferred, and agree that all parties will bear
18 their own costs and fees upon Plaintiff Goldstein’s voluntary dismissal. No payment has been
19 made, nor will one be made, to Plaintiff Goldstein or his attorneys for the dismissal of his action;
20 and

21 WHEREAS, under Fed. R. Civ. P. 41(a)(1)(A)(i), Plaintiff Goldstein is entitled to dismiss
22 his action by filing “a notice of dismissal before the opposing party serves either an answer or a
23 motion for summary judgment”

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1 THEREFORE, Plaintiff Goldstein, through his undersigned counsel, hereby requests the
2 Court enter an order dismissing his action without prejudice, with all parties to bear their own
3 costs and fees.

4 Dated: March 31, 2017

JOHNSON & WEAVER, LLP
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6 By: /s/Frank J. Johnson

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